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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,367	11/03/2003	Katsumi Azusawa	03500.007695.4	1160
5514 7590 11/15/2007 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER TRAN, NHAN T	
			ART UNIT 2622	PAPER NUMBER
			MAIL DATE 11/15/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/698,367	Applicant(s) AZUSAWA ET AL.	
	Examiner Nhan T. Tran	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/7/2007 & 8/27/2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-14, 16 and 27-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-14, 16, 27-30, 32, 33 and 35-37 is/are rejected.
- 7) ☒ Claim(s) 31 and 34 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Terminal Disclaimer

1. The terminal disclaimer filed on 8/27/2007 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of the full statutory term of U.S. Patent No. 6,014,169 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Response to Arguments

2. Applicant's arguments with respect to claims 12-14, 16, 27-30, 32-33, 35-37 have been considered but are moot in view of the new ground of rejection.

Claim Objections

3. Claim 31 is objected to because of the recitation of "the stopping of the recording operation of said recording means" which should be corrected to read as -- **stopping of a recording operation of said recording means** --.
4. Claim 34 is objected to because of the recitation of "the stopping of a recording operation of said recording means" which should be corrected to read as -- **stopping of a recording operation of said recording means** --.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 12-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Kawakami et al. (US 4,780,739).

Regarding claim 12, Kawakami discloses an image pickup apparatus (camera in Figs. 1-7) comprising:

image pickup means (2) for converting an optical image formed on an image plane into an electrical image signal, and outputting the electrical image signal (Figs. 1-3 and col. 3, lines 9-11);

detection means (8b') for detecting a vibration amount of said image pickup apparatus (Fig. 1 and col. 3, lines 57-63);

correcting means (correcting lens in Figs. 4B & 4B) for optically correcting a movement of the optical image formed on the image sensing plane by shifting an optical axis (col. 3, line 44 – col. 4, line 30);

driving means (11-13) for optically driving said correction means on the basis of a detection output of said detection means (Fig. 1 and col. 3, line 44 – col. 4, line 66);

control means (8c') for controlling said driving means (11-13) to permit a correcting operation of said correcting means in the case that said pickup means (2) is outputting image signal and to inhibit a correcting operation of said correcting means in

the case that said image pickup means is not outputting the electrical image signal (see Fig. 1 and col. 3, line 44 – col. 4, line 66, wherein the control circuit 8c' controls the correcting lens for vibration correction based on the image signal output from the photoelectric converting element 2. Thus, when the photoelectric converting element is not outputting the image signal, the control circuit 8c' inhibits the driving of the correcting lens by inherency).

Regarding claim 13, Kawakami also discloses that the correcting means comprises a variable angle prism (Fig. 7 and col. 5, lines 28-48).

Regarding claim 14, Kawakami further discloses a monitor means (10) for displaying the electrical image signal output from said image pickup means (see Fig. 1).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 27, 28, 30, 32, 33, 35 & 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawakami et al. (US 4,780,739) in view of Kinoshita (US 4,740,828).

Regarding claim 27, Kawakami discloses all limitations for a camera apparatus comprises image pickup means, detection means, correcting means, driving means, reproducing means (monitor) and control means as discussed in claims 12 & 14.

As also discussed in claim 12, Kawakami also discloses the control means control means for controlling said driving means to permit a correcting operation of said correcting means in the case that said image pickup means is outputting the electrical image signal, and to inhibit the correcting operation of said correcting means in the case that said image pickup means is not outputting the electrical image signal.

Although Kawakami discloses a signal processor (8a) and monitor (10) in Fig. 1, Kawakami is silent as to a recording means for recording the electrical image signal output form said image pickup means.

However, as taught by Kinoshita, a video camera comprises a recording means (10, 18 in Fig. 1) for recording video signal into a recording medium (i.e., magnetic tape or disc) in a recording mode in addition to a monitor mode for displaying live-view images and a reproduction mode for playing back the recorded images (see Fig. 1 and col. 4, lines 38-62).

Therefore, it would have been obvious to one of ordinary skill in the art to provide a recording means in the camera apparatus of Kawakami for recording the image signals output from the image pickup means in the conventional fashion in view of teaching of Kinoshita so as to enable reproduction of the recorded images at a later time for reviewing or editing images.

The camera apparatus in the combination of Kawakami and Kinoshita further encompasses control means for controlling said driving means to permit a correcting operation of said correcting means in the case that said image pickup means is outputting the electrical image signal and said recording means is recording the electrical image signal output from said image pickup means (*this is the case where the correcting means is operated to correct camera vibration during recording the image signal into the recording medium when the vibration is detected in a recording mode*), to permit a correcting operation of said correcting means in the case that said image pickup means is outputting the electrical image signal and said recording means is not recording the electrical image signal (*this is the case where the correcting means is operated to correct camera vibration during a monitoring mode without recording the image signal into the recording medium*). It should be noted that, in both recording mode and monitoring mode, the image sensor is always outputting the image signal, and this image signal is used for vibration detection and correction as discussed in claim 12.

Regarding claim 28, this claim is also met by the analysis of claim 14.

Regarding claim 30, this claim is also met by the analysis of claim 27.

Furthermore, Kawakami discloses control means (8c' in Fig. 1) for controlling said driving means (11-13) and said correcting means (Fig. 4A-4B) to hold an optically correcting position of said correcting means (the correcting lens is held by the

piezoelectric elements 18c-18d as shown in Fig. 4A) in the case that the optically correcting operation of said correcting means is stopped (this is when the camera vibration is not detected by the detector 8b' based on the output image signal from the image sensor 2 and thus the piezoelectric elements are not driven but holding still the correcting lens) during a recording operation of said recording means (the camera is in the recording mode as discussed in claim 27 and no vibration is detected).

Regarding claim 32, this claim is also met by the analyses of claims 27 & 30, wherein the mage signal is also reproduced by the recording/reproduction means.

Regarding claim 33, as seen from Kawakami that the correcting means is locked by the piezoelectric elements 18c-18d as shown in Fig. 4A when no vibration correction is performed. Kawakami does not teach that the correcting position of the correcting means is locked during reproduction of said recording/reproduction means.

However, as suggested by Kinoshita, when the camera is set to reproduction mode (playback mode), power supply to image sensor and optical system are cut off (meaning that the operations of image sensor and optical system are disabled) so as to reduce power consumption on unnecessary circuits (see Kinoshita, Fig. 1 and col. 5, lines 35-37, 57-63).

Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Kawakami and Kinoshita to configure the control means to lock a correcting position of the correcting means (vibration correction is disabled)

Art Unit: 2622

during the reproduction of the recording/reproduction means so as to reduce power consumption for the camera.

Regarding claim 35, this claim is also met by the analyses of claims 27 & 30.

Although Kawakami does not teach that the control unit inhibits a correcting operation of said correcting unit in the case that said recording/reproduction unit is reproducing the recorded image signal, Kinoshita teaches that when the camera is set to a reproduction mode (playback mode), the power supply to the image sensor and optical system are cut off so as to reduce power consumption on unnecessary circuits (see Kinoshita, Fig. 1 and col. 5, lines 35-37, 57-63).

Therefore, it would have been obvious to one of ordinary skill in the art to combine teachings of Kawakami and Kinoshita to configure the control circuit to inhibit a correcting operation of said correcting unit in the case that said recording/reproduction unit is reproducing the recorded image signal so as to reduce power consumption for the camera.

Regarding claim 36, as clearly seen in the combination of Kawakami and Kinoshita, a monitor which displays the image signal output from said image sensing unit and the image signal reproduced by said recording/reproduction unit (see Fig. 1 of Kinoshita and note the analysis of claim 27).

7. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kawakami et al. (US 4,780,739) in view of Takahashi et al. (US 5,117,246).

Regarding claim 16, Kawakami does not teach that when no image is output to said monitor, said control means controls said driving means to move said correcting means to a position where a shifting amount of the optical axis becomes 0, and thereafter, disables said driving means.

In the same field of endeavor, Takahashi teaches a camera apparatus having image vibration correction feature, wherein when power to the camera system is turned off (no image is outputted from the image sensor), the camera microcomputer instructs the lens microcomputer to drive correcting lens (2) to the initial position (optical axis) and lock the correcting lens at that position before disabling whole system so as to prevent collision of the correcting lens and its support against inner wall of lens barrel (see Takahashi, Figs. 4, 5 & 7 and col. 13, line 51 – col. 14, line 56).

Therefore, it would have been obvious to one of ordinary skill in the art to modify the camera apparatus in Kawakami to include the teaching of Takahashi such that when no image is output to said monitor (i.e., power is turned off), said control means controls said driving means to move said correcting means to a position where a shifting amount of the optical axis becomes 0 and locks the correcting lens, and thereafter, disables said driving means so that collision of the correcting means against inner wall of lens barrel would be prevented.

8. Claims 29 & 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawakami et al. (US 4,780,739) and Kinoshita (US 4,740,828) and in further view of Takahashi et al. (US 5,117,246).

Regarding claim 29, Kawakami and Kinoshita do not teach that when no image is output to said monitor, said control means controls said driving means to move said correcting means to a position where a shifting amount of the optical axis becomes 0, and thereafter, disables said driving means.

In the same field of endeavor, Takahashi teaches a camera apparatus having image vibration correction feature, wherein when power to the camera system is turned off (no image is outputted in any mode), the camera microcomputer instructs the lens microcomputer to drive correcting lens (2) to a center position (optical axis) and lock the correcting lens at that position before disabling whole system so as to prevent collision of the correcting lens and its support against inner wall of lens barrel (see Takahashi, Figs. 4, 5 & 7 and col. 13, line 51 – col. 14, line 56).

Therefore, it would have been obvious to one of ordinary skill in the art to modify the camera apparatus in Kawakami and Kinoshita to include the teaching of Takahashi such that when no image is output to said monitor (i.e., power is turned off), said control means controls said driving means to move said correcting means to a position where a shifting amount of the optical axis becomes 0 and locks the correcting lens, and thereafter, disables said driving means so that collision of the correcting means against inner wall of lens barrel would be prevented.

Regarding claim 37, this claim is also met by the analysis of claim 29.

Allowable Subject Matter

9. Claims 31 & 34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. *Note that the objection of claims 31 and 34 in sections 3 & 4 above should be complied.*

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 31, the prior art of record fails to teach or fairly suggest the limitations of claim 31, in combination with claim 30, wherein said control means releases the held optically correcting position of said correcting means in accordance with [the] stopping of the recording operation of said recording means.

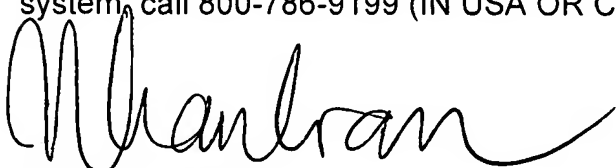
Regarding claim 34, the prior art of record fails to teach or fairly suggest the limitations of claim 34, in combination with claims 32 and 33, wherein said control means releases the locked position of said correcting means in accordance with [the] stopping of a recording operation of said recording means.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhan T. Tran whose telephone number is (571) 272-7371. The examiner can normally be reached on Monday - Friday, 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Nhan Tran', with a stylized, flowing script.

NHAN T. TRAN
Patent Examiner